

Plater, Zygmunt J. B. *The Snail Darter and the Dam: How Pork-Barrel Politics Endangered a Little Fish and Killed a River*. New Haven, Conn.: Yale University Press, 2013. 369p. \$32.50.

*Reviewed by Benjamin J. Keele\**

¶87 *The Snail Darter and the Dam: How Pork-Barrel Politics Endangered a Little Fish and Killed a River* is part memoir, part polemic. As the title hints, this book does not have a happy ending. In 1959, the Tennessee Valley Authority (TVA) began planning to build the Tellico Dam in the Little Tennessee (Little T) River. In addition to building a dam, the TVA condemned large tracts of land around the proposed reservoir to make way for a planned model city. The model city fell through, but the TVA claimed that plenty of other benefits justified the dam, and pork-barrel politics kept funds flowing for the project. A coalition of farmers, conservationists, and other groups opposed the project. A fish, the snail darter, was discovered in the Little T and determined to be an endangered species that could be wiped out by the dam's disruption of the fish's natural habitat. The activists lobbied and litigated in virtually every government agency and court possible, even the U.S. Supreme Court.

¶88 After winning before the Supreme Court and the Endangered Species Committee, a special review panel established by Congress, congressional appropriators (responsible for directing pork-barrel funds to the Tellico Dam) added a rider to an appropriations bill that exempted Tellico from the Endangered Species Act and any other laws. The dam was finished, and TVA sold the condemned land to private developers at a substantial profit.

¶89 As a memoir, *The Snail Darter and the Dam* is a detailed account of the political and legal struggle to save the Little T, the snail darter, and productive farm land that would be flooded. The author, Zygmunt J. B. Plater, was a leader of the campaign and delivered the oral argument before the Supreme Court. During this time he was also a law professor in Tennessee and Michigan while lobbying in Washington and litigating the case. Plater wants to break out of the David and Goliath archetype, but throughout much of the campaign he and his compatriots struggled to compete with fewer resources and less access to the political leadership and press.

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¶90 As a lesson in civics, the story is a fascinating account of the snail darter case's progress through the three branches of government. The group contended with administrative infighting between the TVA and the Fish and Wildlife Service to add the snail darter to the list of endangered species and have the Little T designated as a critical habitat. The litigation for an injunction to prevent the Tellico Dam from destroying the snail darter's habitat wound from the federal district court in Tennessee, through the Sixth Circuit Court of Appeals, to the Supreme Court. The district court refused to issue an injunction, the Sixth Circuit reversed, and the Supreme Court affirmed the Sixth Circuit.<sup>22</sup>

¶91 While Plater devotes a good deal of space to the oral arguments before each court, even more of the action occurred in the U.S. Capitol. The author and his group assembled a coalition to lobby Congress. They attempted to persuade and pressure legislators through constituent visits, position papers, and testimony before congressional committees. Here the snail darter's cause was blocked by regional loyalties and special interests. Even after the Tellico Dam was all but declared a boondoggle by the Endangered Species Committee, the dam was completed after an appropriations rider exempted the dam from any contrary laws. President Jimmy Carter wanted to veto the appropriations bill but, running low on political capital, he signed the bill for concessions on other issues.

¶92 For such a multifaceted story, the author keeps the various threads fairly distinct and understandable, although the large number of people involved sometimes makes it difficult to recall any one individual's role in the story. The tale is told in the first person and the present tense throughout. Plater clearly played a pivotal role, and he portrays himself as an eager but sometimes ineffective advocate. Much of the book is dialogue reconstructed from records, the author's notebooks, and participant recollections. The text avoids legal jargon, and source references are in endnotes at the back of the book.

¶93 *The Snail Darter and the Dam* is also a deeply cynical look into pork-barrel politics, interagency squabbles, and legislative politics. The author is still a true believer that building the Tellico Dam was a terrible injustice that deprived honest farmers of their fertile land, destroyed important Cherokee religious sites, and eliminated the last original population of an endangered species. Throughout the book, the author advocates for an alternative development plan for the area that would have focused on attracting tourism to the area's natural and cultural sites. The book makes a strong case that the Tellico Dam was a very bad idea pushed by the TVA in a stubborn effort to justify its own existence. The arguments that the environmentalists' alternative plan would solve the area's economic woes are not as persuasive, but perhaps the advocates, fighting off attempts to delist the snail darter or exempt the dam, were stretched too thin to build the evidence needed to support their plan.

¶94 If the snail darter's champions are the heroes of this story, there are plenty of villains. They include legislators who privately acknowledged the strength of the snail darter's case but voted against it due to political expediency, intransigent TVA officials who skirted their legal duties and issued misinformation that supported

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22. The Supreme Court decision is *Tennessee Valley Authority v. Hill*, 437 U.S. 153 (1978).

the Tellico Dam, and (perhaps the worst) the press that parroted TVA claims or ignored the story. Only after the battle was lost did major media outlets pay attention.

¶95 The only bits of optimism that can be scraped from this story are that a dedicated group of activists can get as far as they did in the power-obsessed halls of government, and that the snail darter, while still a threatened species, did survive after being transplanted to other rivers. *The Snail Darter and the Dam* is worthwhile for readers (and libraries that serve them) interested in environmentalism, lobbying, and pork-barrel politics.